

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUANITA GARCIA, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

NATIONSTAR MORTGAGE LLC, a Delaware
limited liability company,

Defendant.

NO. C15-1808 TSZ

**DECLARATION OF JUANITA GARCIA
IN SUPPORT OF HER MOTION FOR
CLASS CERTIFICATION**

NOTE ON MOTION CALENDAR:
Friday, February 10, 2017

Pursuant to 18 U.S.C. § 1746, I, Juanita Garcia, hereby declare and state as follows:

1. From 1997 to 2001, I served as a United States Marine. After my time with the Marines, I worked for temporary employment agencies before gaining employment as a corrections officer for Spokane County in 2001.

2. When my husband and I first entered into the mortgage agreement at issue in this case in 2007, we were well employed, and we intended to and did make our monthly payments through automatic withdrawals from our bank account.

3. In December 2007, I left my job with Spokane County. Shortly thereafter, due to the 2008 financial crisis, my husband was no longer able to work overtime at his job, which further cut our income. As a result, we intended to sell a rental property we owned. However,

1 when the tenants of that property learned of our intent to sell, they vacated, which further cut our
2 income.

3 4. As a result of that drastic income reduction, my husband and I suffered severe
4 financial hardship, to the point that we had to eat our meals at soup kitchens from time to time
5 due to a lack of money.

6 5. Because of our financial hardship and the monthly fluctuations in our income, we
7 had to stop using automatic withdrawals to make our payments.

8 6. In September of 2008, I regained employment as a school bus driver for Liberty
9 School District, and I was paid at the end of every month. Because of our financial position and
10 the fact that I did not receive my paychecks until the end of the month, we were unable to make
11 mortgage payments by check, as we could not guarantee that the checks would be received in
12 advance of our mortgage due date.

13 7. Once our financial position improved and stabilized, we returned to making
14 mortgage payments by automatic withdrawal, to avoid late fees and convenience fees.

15 8. I understand that if the Court certifies the proposed classes and appoints me as
16 class representative in this action, that I will be representing the interest of individuals like
17 myself, and that I will owe a fiduciary duty to those individuals.

18 9. I am well-informed regarding the nature of this action and I have been and will
19 remain committed to actively participating in each stage of the litigation, as necessary.

20 10. To that end, I have assisted my attorneys with preparing my complaint and my
21 responses to Defendant's discovery requests. I also traveled approximately 40 miles each way to
22 and from Spokane, Washington for my deposition between shifts as a school bus driver and my
23 time spent working with special needs children.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on December 23, 2016 at Coeur d'Alene, Idaho.

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4 Juanita Garcia

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12 Certificate of Service

13 I certify that, on the date stamped above, I caused this declaration to be filed with the
14 Clerk of the Court via the CM/ECF system, which will cause notification of filing to be emailed
15 to counsel of record for all parties.

16 s/ Cliff Cantor, WSBA # 17893
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